

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

PATRICK B. CARODINE,)
Plaintiff,)
v.) No. 2:18-cv-02578-SHL-cgc
NATASHA CAMPBELL, et. al,)
Defendants.)

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is Magistrate Judge Charmiane G. Claxton's Report and Recommendation, filed on March 14, 2019, recommending that the Court dismiss without prejudice Mr. Carodine's Complaint for failure to timely serve Defendants. (ECF No. 11.) Summons were issued for Defendants in August of 2018, (ECF Nos. 6–9), but none were returned executed. Indeed, they still have not been executed. On December 6, 2018, Judge Claxton entered an Order to Show Cause. (ECF No. 10.) Plaintiff did not respond. Judge Claxton then issued the Report and Recommendation to dismiss the case without prejudice pursuant to Fed. R. Civ. P 4(m), which provides that, if a defendant is not served within 90 days of the filing of the complaint, the court "must dismiss the action without prejudice against that defendant or order that service be made within a specified time."

A magistrate judge may submit to a judge of the court proposed findings of fact and recommendations for dismissal of a complaint. 28 U.S.C. § 636(b)(1)(B). "Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); see

also 28 U.S.C. § 636(b)(1). A district court reviews *de novo* only those proposed findings of fact or conclusions of law to which a party specifically objects. See Fed. R. Civ. P. 72(b)(3).

The deadline to object to the Report was March 28, 2019. Plaintiff has not filed any objections. The Court has reviewed the Report for clear error and finds none. Therefore, the Court **ADOPTS** the Judge Claxton's Report and **DISMISSES WITHOUT PREJUDICE** Plaintiff's Complaint for failure to serve Defendants.

IT IS SO ORDERED, this 23rd day of April, 2019.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
UNITED STATES DISTRICT JUDGE